

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JESSE STEPHEN KING,

Plaintiff,

v.

ADAMS, et al.,

Defendants.

CASE NO. 1:01-cv-05189-AWI-SMS PC

ORDER DENYING PLAINTIFF'S MOTION  
TO VACATE JUDGMENT

(Doc. 51.)

Plaintiff, Jesse Stephen King ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 16, 2001. On November 15, 2001, this action was dismissed, without prejudice, for failure to exhaust administrative remedies. (Doc. 28.) On December 6, 2001, Plaintiff filed a notice of appeal. (Doc. 33.) The appeal was dismissed for Plaintiff's failure to pay the filing fee on May 3, 2003. (Doc. 44.) On July 11, 2011, Plaintiff filed a motion to vacate the judgment because prison officials obstructed his attempts to exhaust his administrative remedies which was denied as untimely. (Docs. 49, 50.) On December 5, 2012, Plaintiff filed another motion to vacate judgment which is duplicative<sup>1</sup> of that which he filed on July 11, 2011. (Doc. 51.) Just as the July 11, 2011, motion was untimely, so too is the December 5, 2012 motion. See Doc. No. 50. No relief is warranted.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to vacate judgment, filed on December 5, 2012 (Doc. 51), is DENIED as untimely, and no further filings will be accepted in this closed case.

IT IS SO ORDERED.

Dated: January 7, 2013

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> It literally appears that Plaintiff made a copy of his first motion to vacate judgment and merely changed the date and his signature and attached a few more documents as exhibits.